

REMARKS

This Amendment is submitted in reply to the Non-Final Office Action mailed on December 28, 2009. No fees are due herewith the Amendment. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00607 on the account statement.

Claims 1, 2, 4-17 and 19-31 are pending in this application. Claims 3 and 18 were previously canceled without prejudice or disclaimer. In the Office Action, Claims 1, 2, 4-17 and 19-31 are rejected under 35 U.S.C. §112. In response, Applicants have amended Claims 1-2, 5, 8, 11, 15-16, 26 and 28. The amendments do not add new matter and are supported in the specification at, for example, page 3, line 27-page 4, line 3; page 6, lines 1-5; page 7, lines 22-24; page 8, lines 7-17; and page 12, lines 1-8. Applicants note that Claims 2, 5, 8, 16, 26 and 28 have been amended solely for clarification purposes and not to avoid any art.

In the Office Action, Claims 1, 2, 4-17 and 19-31 are rejected under 35 U.S.C. §112, first paragraph, for allegedly not enabling the skilled artisan to make and/or use the claimed invention. Specifically, the Patent Office asserts that the specification, while being enabling for a coffee tablet with coffee solids prepared from an extract and provided for dissolution in water to create a beverage, does not reasonably provide enablement for ground coffee compressed into a tablet which is used in preparing a coffee extract (as achieved, for example, in Richards et al, U.S. Patent No. 3,511,66). See, Office Action, page 2, lines 8-15.

The Patent Office also asserts that Claims 1, 2, 4-17 and 19-31 would be allowable if rewritten or amended to overcome the rejection of Claims 1, 2, 4-17 and 19-31 under 35 U.S.C. §112, first paragraph, which the Patent Office asserts may be achieved by "making the claims clear that the tablets are soluble and the beverage is formed due to the dissolution [of] said tablets." See, Office Action, page 2, lines 17-20. In response, Applicants have amended independent Claims 1, 11 and 15 to clarify that the coffee tablets are soluble and dissolve in hot water to form the coffee beverage. The amendments do not add new matter and are supported in the specification at, for example, page 3, line 27-page 4, line 3; page 6, lines 1-5; page 7, lines 22-24; page 8, lines 7-17; and page 12, lines 1-8. Based on at least these noted reasons,

Applicants believe that Claims 1, 2, 4-17 and 19-31 fully comply with the enablement requirements under 35 U.S.C. §112, first paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 2, 4-17 and 19-31 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims that could be clarified in a telephonic interview, the Patent Office is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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